

81ST CONGRESS } 2d Session }	HOUSE OF REPRESENTATIVES {	REPORT No. 2188
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PROVIDING FOR THE ENLISTMENT OF ALIENS IN THE
REGULAR ARMY

JUNE 5, 1950.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. VINSON, from the Committee on Armed Services, submitted
the following

REPORT

[To accompany S. 2269]

The Committee on Armed Services, to whom was referred the bill (S. 2269) to provide for the enlistment of aliens in the Regular Army, having considered the same, report favorably thereon with amendments and recommends that the bill as amended, do pass.

The amendments are as follows:

On page 1, line 5, strike out "1951" and insert in lieu thereof "1953".

On page 1, line 6, after the word "enlistments" insert "or reenlistments".

On page 1, line 7, strike out the word "ten" and insert in lieu thereof the word "two".

On page 1, line 8, after the word "thousand" insert the words "five hundred".

On page 2, line 4, strike out the period and insert a colon and the following:

Provided, That persons enlisted under the provisions of this Act shall be integrated into established units with citizen soldiers and not segregated into separate organizations for aliens.

On page 2, line 17, strike out "1951" and insert in lieu thereof "1953".

On page 3, line 3, insert the following after the word "shall":

if otherwise qualified for citizenship, and after completion of five or more years of military service, or earlier if honorably discharged therefrom.

HISTORY AND PURPOSE OF THE BILL

The proposed bill is similar to S. 2016 which was introduced in the Eightieth Congress but not acted upon in committee. The provisions of S. 2016, Eightieth Congress, were introduced into the 1948 selective-

service bill by an amendment adopted on the floor of the Senate. The amendment, however, was removed in conference.

The proposed bill was introduced in the first session of the Eighty-first Congress as S. 273 and H. R. 5140. Hearings on S. 273 were held by the Senate Armed Services Committee. The Vice Chief of Staff of the Army testified in its support. The Senate committee rewrote the bill, reintroduced it as S. 2269, and recommended its enactment. It was passed by the Senate on August 27, 1949.

The purpose of the bill, as amended, is to permit the Secretary of the Army, with approval of the Secretary of State, to accept specially qualified aliens abroad for enlistment and reenlistment in the Regular Army. The enlistees must be between the ages of 18 and 35, unmarried, and without dependents. The enlistment period is restricted to not less than 5 years. The number in the program at any one time cannot exceed 2,500. The authority to accept such enlistments and reenlistments terminates June 30, 1953.

EXPLANATION OF THE BILL

Section 1 of the bill authorizes the Secretary of the Army to undertake the program referred to above. In several respects the provisions of this section, as reported to the House of Representatives, are more restrictive than those adopted by the Senate 2 years ago as an amendment to the then-proposed Selective Service Act of 1948. The proposal of 2 years ago would have permitted the enlistment of 25,000 aliens. S. 2269 as amended restricts the number to 2,500. Further, the present proposal requires that the alien shall be unmarried, and without dependents; it also provides that persons enlisted under this act shall be integrated into established Army units and not segregated into separate organizations for aliens; it also permits the acceptance of reenlistments, and requires that the enlistments and reenlistments under the program shall at all times be subject to the approval of the Secretary of State.

Section 2 specifies that any provisions of law which prohibit payment to any person not a citizen of the United States shall not apply to aliens who enlist under this authority, nor to their dependents or beneficiaries.

Section 3 suspends until June 30, 1953, the portion of the act of August 1, 1894, which provides that in time of peace no person, not a citizen of the United States, shall be accepted for first enlistment in the Army.

Section 4 accords to enlistees secured under this program the right to apply for American citizenship. Under section 324A of the Nationality Act of 1940, amended by the act of June 1, 1948, any person not a citizen who has served honorably in an active-duty status during World War I and World War II is permitted certain advantages in the matter of seeking his naturalization. Section 4 of S. 2269 would enable persons enlisted under the proposed legislation to obtain the benefits of section 324A, notwithstanding the fact that their service was not performed during World War I or World War II. These benefits include the provisions that such persons (1) may be naturalized regardless of age and notwithstanding section 303 of the act relative to racial limitations and section 325 of the act relative to enemy alienage; and (2) no declaration of intention, certificate of

arrival, or period of residence in the United States or any State shall be required; and (3) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner; and (4) the petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the required witnesses shall have appeared before and been examined by a representative of the services. This section also makes it clear that a person who is in the military service as a result of this program and who enters the United States or an outlying possession pursuant to military orders, shall, if otherwise qualified for citizenship, and after completion of five or more years of military service, or earlier if honorably discharged therefrom, be deemed to have been lawfully admitted to the United States for permanent residence, insofar as section 324A is concerned.

If this provision were not included, it would have been necessary for the individual to have been in the United States at the time of his enlistment, or to have been admitted for permanent residence as a quota immigrant.

Hon. Henry C. Lodge, United States Senator, and the Chief of Staff of the Army appeared before the committee in support of this proposal. The committee thoroughly considered from the testimony of the witnesses the possibility of this proposal resulting in an American "Foreign Legion," which was considered by the committee to be highly undesirable. Various considerations in the bill make this impossible. The number of original alien enlistees under the bill, as well as reenlistments of aliens, has been reduced from 25,000 to 2,500. Moreover, a committee amendment requires that they be integrated into existing Army units. Accordingly, the creation of an American "Foreign Legion" under the terms of this bill will be impossible.

What the proposal now amounts to is an initial attempt—in a very limited degree—to secure badly needed, highly specialized career military men from a heretofore unused source. If the program is found to be extremely successful, it can be enlarged at a later date. As indicated, the enlistees would be aliens at the time of their admission in the Army, but the principal inducement for their enlistment would be the privilege of acquiring United States citizenship after demonstrating their fitness by honorable service in our Armed Forces. They will not in any way be mercenaries. They are actually to be citizen candidates who, in return for the reward of United States citizenship, will offer their own quid pro quo in the form of honest, faithful service in the Army of the United States. Unlike a foreign legion, which is merely a business transaction, this plan will be a matter of give and take from both a tangible and intangible point of view. On our side we give the advantage of a better life with the ultimate reward of citizenship. The citizen candidate, on his part, gives us rare human talents in highly specialized fields that will certainly be of substantial value to our country. The committee emphasizes that personnel enlisted under this program must have excellent qualifications for military service and, particularly, they will be required to possess special technical capabilities.

The bill will afford our Government the opportunity of securing an appreciable number of badly needed, skilled military specialists and technicians who should make excellent American citizens after they

have been carefully screened, selected, tried, and tested through service in our Armed Forces.

As indicated, the Department of the Army testified in support of the proposed legislation. In so testifying, the Army was representing the views of the Department of Defense as a whole. In reporting the bill to the House, there was no dissenting vote in the House Armed Services Committee.

CHANGES IN EXISTING LAW

In compliance with clause 2a of rule XIII of the Rules of the House of Representatives, there is herewith printed in parallel columns the text of provisions of existing laws which will be repealed or amended by the various provisions of the bill (left column) and the provisions of the bill which will repeal or amend those provisions (right column):

EXISTING LAW

Public Law 266, Eighty-first Congress, first session, An Act making appropriation for the Executive Office and Sundry Executive Bureaus, etc., for the fiscal year ending June 30, 1950, and for other purposes

SEC. 302. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, or (3) is a person who owes allegiance to the United States.

The Act approved August 1, 1894 (28 Stat., ch. 179, 216; 10 U. S. C. 625), as amended. In time of peace no person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, shall be enlisted for the first enlistment in the Army.

Section 324A of the Nationality Act of 1940 as added by the Act of June 1, 1948 (Public Law 567, Eightieth Congress) 8 U. S. C. 724a.

Sec. 324A. (a) Any person not a citizen who has served honorably in an

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SEC. 2. Provisions of law prohibiting the payment of any person not a citizen of the United States shall neither apply to aliens who enlist in the Regular Army under the provisions of section 1 of this Act nor to their dependents and beneficiaries.

SEC. 3. So much of section 2 of the Act approved August 1, 1894 (28 Stat., ch. 179, 216; 10 U. S. C. 625), as amended, as reads "; and in time of peace no person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, shall be enlisted for the first enlistment in the Army" is hereby suspended until June 30, 1951, with respect to enlistments made under section 1 of this Act.

SEC. 4. Notwithstanding the periods set forth therein, the provisions of section 324A of the Nationality Act of 1940, as added by the Act of June 1, 1948 (Public Law 567, Eightieth Congress), are applicable to aliens enlisted

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missioned or warrant officer grade, or higher (who may be the same witness described in clause (4) of this subsection), or (2) by a duly authenticated certification from the executive department under which the petitioner is serving. Such affidavits or certifications shall state whether the petitioner has served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946;

(6) if no longer serving in the military or naval forces of the United States, the service of the petitioner shall be proved by a duly authenticated certification from the executive department under which the petitioner served, which shall state whether the petitioner served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, and was separated from such service under honorable conditions; and

(7) notwithstanding section 734 (c) of this title, the petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the required witnesses shall have appeared before and been examined by a representative of the Service.

(c) Citizenship granted pursuant to this section may be revoked in accordance with section 738 of this title if at any time subsequent to naturalization the person is separated from the military or naval forces under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation.

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active-duty status in the military or naval forces of the United States during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, or who, if separated from such service, was separated under honorable conditions, may be naturalized as provided in this section if (1) at the time of enlistment or induction such person shall have been in the United States or an outlying possession (including the Panama Canal Zone, but excluding the Philippine Islands), or (2) at any time subsequent to enlistment or induction such person shall have been lawfully admitted to the United States for permanent residence. The executive department under which such person served shall determine whether persons have served honorably in an active-duty status, and whether separation from such service was under honorable conditions: *Provided, however,* That no person who is or has been separated from such service on account of alienage, or who was a conscientious objector who performed no military or naval duty whatever or refused to wear the uniform, shall be regarded as having served honorably or having been separated under honorable conditions for the purposes of this section.

(b) A person filing a petition under subsection (a) of this section shall comply in all respect with the requirements of this chapter except that—

(1) he may be naturalized regardless of age, and notwithstanding the provisions of sections 703 and 726 of this title;

(2) no declaration of intention, no certificate of arrival, and no period of residence within the United States or any State shall be required;

(3) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner;

(4) there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner to be a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States;

(5) when serving in the military or naval forces of the United States, the service of the petitioner shall be proved either (1) by affidavits forming part of the petition, of at least two citizens of the United States, members of the military or naval forces of a noncom-

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or reenlisted pursuant to the provisions of this Act. Any alien enlisted or reenlisted pursuant to the provisions of this Act who subsequently enters the United States or an outlying possession thereof (including the Panama Canal Zone, but excluding the Philippine Islands) pursuant to military orders shall be deemed to have been lawfully admitted to the United States for permanent residence within the meaning of such section 324A.